

**CITY COUNCIL
BUSINESS MEETING MINUTES
May 3, 2011**

The Business Meeting of the Monroe City Council was held on May 3, 2011, in the Council Chambers at City Hall. Mayor Robert Zimmerman called the meeting to order at 7:00 p.m.

Councilpersons present: Balk, Cudaback, Tuttle, Rodriguez, Williams, Stima, and Goering.

Staff present: Brazel, Feilberg, Quenzer, Nelson and Smith.

City Attorney Zach Lell was also present.

The meeting was opened with the Pledge of Allegiance.

COMMENTS FROM CITIZENS

No citizens wished to address Council.

CONSENT AGENDA

The motion was made by Councilperson Cudaback and seconded by Councilperson Williams, to approve the Consent Agenda. On vote,

Motion carried 7/0.

Items approved: 1) Minutes (not available); 2) Bills (Vouchers #079370 – 079473, in the amount of \$286,433.49); 3) Authorize Mayor to Sign Consultant Agreement/Building Plan Review and Inspection Service; 4) Ordinance Amending MMC Chapter 8.04 Animal Control; 5) Award Bid and Authorize Mayor to Sign Construction Contract for the Public Works Fuel Station #2 Project; 6) Authorize Mayor to Sign Consultant Agreement with Krazan for On-Call Geotechnical, Special Inspection and Testing Services; 7) Authorization to Solicit Bids for Construction of E. Main Street/Old Owen Road Pipe Bursting Project; 8) Authorization to Solicit Bids for Construction of E. Main Street/Old Owen Road/US 2 Intersection Improvements Project; 9) Authorization to Solicit Bids for Construction of Kelsey Street/W. Main Street Traffic Signal Project; 10) Authorization to Solicit Bids for Ingraham Transmission Main Project; 11) Ordinance Amending the 2011 Budget to Account for Beginning and Ending Fund Balances and New Revenues and Expenditures/2nd and Final Reading; 12) Authorize Mayor to Accept Surface Transportation Program (STP) Grant; 13) Authorize Mayor to Sign Consultant Agreement with HAI for Interim Planning Services (Water, Sewer, Storm, and Transportation System Updates. Consent Agenda item #14 will be reviewed later.

NEW BUSINESS

Presentation: Utility Base Rates and Foreclosure

Finance Director Nelson presented a PowerPoint presentation outlining the utility rate structure. Also, the process for application for vacancy was explained including the

reason that the storm drain utility is still charged during a vacancy status; it was further noted that this process was originally began for “snow birds” long before the foreclosure issues. Nelson added information regarding foreclosures and the need for the city to continue to bill the last known property owner in order to protect or lien rights; eventually, the city will receive the back charges from the bank. Nelson included current statistics regarding number of utility accounts, number in vacancy status, number in lien status (more than 90 days delinquent), and number in foreclosure status. Nelson provided two extra points that were ancillary to the PowerPoint: Sno-County Ford is out of business, but the \$100,000 the city receives annually from them should be offset by the increase in PSE utility fees the city receives. Nelson sought direction to change policy to charge base rates on foreclosures or not to charge the base rates on foreclosures.

After discussion, it was determined that the Finance Department will provide a “fact sheet” (in plain terms) to homeowners to explain base rates and lien rights and explain why storm drain charges continue during vacancy status, including an explanation that storm drain fees are not a “usage” fee, but a charge to all properties in city limits. It was determined that this item would come back to Council for further discussion and action

Policy Allowing Time Payments for Mitigation Fees

Public Works Director Feilberg explained the process for time payments for fees. Also noted by Feilberg were issues regarding the lending of credit per the city attorney, as well as a dip in revenue during the first period to be made up from utility reserves or to not do any capital improvement projects. Currently, the process doesn’t allow any work to be done until fees are paid.

After discussion, the motion was made by Councilperson Balk and seconded by Councilperson Williams, to direct staff to develop policy and procedures to allow for time payment of water and sewer capital improvement charges for businesses, but exclude housing. On vote,

Motion carried 6/1.

Councilperson Stima was opposed.

FINAL ACTION

Resolution Initiating AN2011-01 Roosevelt Ridge Election Method Annexation

Public Works Director Feilberg presented hard copies of proposed resolution to council. Feilberg explained that this would be the first time the city would annex by election and in order to meet the November 8th election timeline, we would need council approval by the August 16th meeting. There would be a negligible cost of approximately \$1,000 for a mid-year election; the November election would not incur any additional costs.

After discussion and comments, it was determined that this item would wait for a later time. No motion was made.

Waive Hiring Freeze to Reclassify Part-Time Employee to Full-Time – Contract Administration

Public Works Director Feilberg explained that the part-time status of the employee be increased to full-time due to workload with capital projects. Feilberg explained that the majority of the funding for this position was already in the budget, with an extra \$11,000 from the wastewater treatment plant; further, funding would continue through 2013 based on the wastewater treatment plant project. Feilberg also stated that this would be termed a “limited term” status position. We would come back to council if the wastewater treatment plant project ends sooner.

The motion was made by Councilperson Balk and seconded by Councilperson Williams to approve the full-time limited term position from May 1, 2011 through December 31, 2013. Councilperson Goering amended the motion by including that if the work goes away, the position reverts back to part-time status. Councilperson Balk and Councilperson Williams accepted the amendment to the motion made by Councilperson Goering. On vote,

Motion carried 7/0.

MAYOR/COUNCIL/ADMINISTRATIVE STAFF REPORTS

Councilperson Stima discussed support of further review of City Clerk/Public Records Officer position due to increased number of public records requests. City Administrator Brazel stated that more information will be made available to council in an upcoming meeting.

City Administrator Brazel asked if there was council consensus to have the city attorney draft information for term limits. There was consensus from two council members to have city attorney provide draft at next council meeting.

Police Chief Quenzer noted that Monroe PD would form a pro-act team with Snohomish County. This is noteworthy as it is the first time the Sheriff's department has assigned deputies to another agency. Further, Monroe will take the lead. Also, Quenzer noted that a Sergeant has a serious medical condition and will not be available to work for an unknown period of time.

Draft Agenda/May 10, 2011 Study Session

City Administrator Brazel presented the draft agenda for May 10, 2011.

Mayor Zimmerman stated that there was a need for an executive session for potential litigation. City Attorney Lell explained that the purpose of the executive session was for discussing potential litigation with legal counsel pursuant to RCW 42.30.110(1)(i). The executive session is expected to last for approximately 15 minutes, unless extended by Council. No action in open session is anticipated when Council reconvenes, except to adjourn the meeting.

MEETING RECESSED INTO EXECUTIVE SESSION: 9:05 p.m.
EXECUTIVE SESSION WAS EXTENDED
MEETING RECONVENED INTO REGULAR SESSION: 9:40 p.m.


Councilperson Williams requested a study session topic for a future meeting to discuss amending the Ethics Ordinance to address issues of executive session if council feels that somebody has talked outside of executive session. Councilperson Goering agreed.

Councilperson Goering discussed possibility of contracting out public records request work. Councilperson Stima asked if it was possible to limit the city's liability by using an outside contractor for this work. City Attorney Lell said that it was a possibility, but necessary to ensure that very strongly worded and expansive indemnification language to that effect be included in any contract for such work. City Administrator Brazel explained that the city was interested in hiring a full-time professional to conduct this work as a city employee.


There being no further business, the motion was made by Councilperson Goering and seconded by Councilperson Williams, to adjourn the meeting. On vote,

Motion carried 7/0.

MEETING ADJOURNED: 9:50 p.m.



Teri Smith, HR/Risk Manager



Robert G. Zimmerman, Mayor